

JUDGE FRANKLIN D. BURGESS

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,)	NO. CR06-5529FDB
)	
Plaintiff,)	ORDER GRANTING STIPULATED
)	MOTION TO CONTINUE TRIAL
vs.)	DATE AND PRETRIAL MOTIONS'
)	DEADLINE
MICHAEL ROGER YATES,)	
)	
Defendant.)	
)	

Based on the stipulated motion of the parties to continue the trial date and pretrial motions' deadline, and the Waiver of Speedy Trial Rights filed by defendant in support of the motion, the Court makes the following findings of fact and conclusions of law:

1. The ends of justice served by granting this continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

2. Proceeding to trial absent adequate time for the defense to prepare would result in a miscarriage of justice. 18 U.S.C. §3161(h)(8)(B)(I).

3. The defense needs additional time to explore issues of some complexity, including all relevant issues and defenses applicable to the case, which would make it unreasonable to expect adequate preparation for pretrial proceedings or for trial itself within the time limits established by the Speedy Trial Act and currently set for this case. 18 U.S.C. § 3161(h)(8)(B(ii)).

1 4. Taking into account the exercise of due diligence, a continuance is necessary
2 to allow the defendant the reasonable time for effective preparation of his defense.
3 18 U.S.C. § 3161(h)(8)(B)(iv).

4 NOW, THEREFORE, IT IS HEREBY ORDERED that the trial date is continued
5 from October 16, 2006 to January 29, 2007, at 9:00 a.m. The resulting period of delay
6 from October 16, 2006, up to and including the new trial date of January 29, 2007, is
7 hereby excluded for speedy trial purposes under 18 U.S.C. § 3161(h)(8)(A) and (B).

8 Pre-trial motions are due no later than December 11, 2006.

9 DONE this 3rd day of October, 2006.

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15 FRANKLIN D. BURGESS

16 UNITED STATES DISTRICT JUDGE

17 Presented By:

18
19 /s/ _____

20 Miriam F. Schwartz

21 Attorney for Defendant

22 /s/ _____

23 Gregory A. Gruber

24 Assistant United States Attorney